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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,158	03/05/2002	Evan F. Wies	IMM062C	1658
34390 7590 03/25/2011 PATENT DEPARTMENT (51851) KILPATRICK TOWNSEND & STOCKTON LLP 1001 WEST FOURTH STREET WINSTON-SALEM, NC 27101				
EXAMINER BIAGINI CHRISTOPHER D				
ART UNIT		PAPER NUMBER		
2445				
MAIL DATE		DELIVERY MODE		
03/25/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/092,158

Applicant(s)

WIES ET AL.

Examiner

CHRISTOPHER D. BIAGINI

Art Unit

2445

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 80-90,92-101 and 103-105 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 80-90, 92-101, 103-105 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This communication is in response to the amendment filed January 14, 2011. Claims 95 and 103 were amended. Claims 80-90, 92-101, and 103-105 are pending.

Response to Arguments

Applicant's arguments with respect to the rejections under 35 USC 101 have been fully considered and are persuasive in light of the amendments. Accordingly, the rejections are withdrawn.

Applicant's arguments with respect to the rejection of claims 80-85, 90, 92-96, 101, and 103-105 under 35 USC 102(b) as being anticipated by Barrett have been fully considered but are not persuasive. Applicant argues in substance that the Examiner's interpretation of the term "force feedback command" is unreasonably broad and is simply synonymous with "data." The Examiner respectfully disagrees. The Merriam-Webster Dictionary defines "command" as including the meaning "a signal that actuates a device (as a computer)." Therefore, a "force feedback command" may be broadly but reasonably construed as a signal that actuates a device to perform some action related to force feedback. The Examiner respectfully submits that Barrett's "information indicative of the size of the page" is just such a signal, because it results in the production of force feedback. Accordingly, Applicant's arguments cannot be held as persuasive.

Applicant's arguments with respect to the rejections of claims 86-89 and 97-100 under 35 USC 103(a) as being obvious over Barrett in view of Thorner have been fully considered but are not persuasive. Applicant relies upon arguments already addressed above, and the Examiner respectfully disagrees for the reasons given above.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 80-85, 90, 92-96, 101, and 103-105 are rejected under 35 U.S.C. 102(e) as being anticipated by Barrett et al. (US Patent No. 5,908,467, hereinafter “Barrett”).

Regarding claim 80, Barrett shows a method comprising:

- receiving an input signal (comprising a response to a test message: see col. 5, lines 42-47) from a network (the network which links the user computer to the remote server: see col. 5, lines 11-16), the input signal comprising an embedded force feedback command (*comprising “information indicative of the size of the page”*: see col. 5, line 63 to col. 6, line 2; *note that the information is a “force feedback command” because it results in the production of force feedback*: see col. 7, lines 34-43);

- extracting the force feedback command from the input signal (necessary in order to *“take this information into account”* at the user computer: see col. 5, lines 63-67);
- generating an output signal associated with the force feedback command (comprising at least the necessary electrical signal which actuates the *piezoelectric element in the “TrackPoint”* joystick-like input device: see col. 7, lines 34-43); and
- wherein the input signal is associated with at least one of a web page, a java applet, or and an ActiveX control (note that test message is associated with a downloaded web page because it is used to indicate download times for hyperlinks on the page: see col. 5, lines 28-67).

Regarding claim 81, Barrett shows the limitations of claim 80 as applied above, and further shows wherein the network comprises the Internet (see col. 5, lines 4-15).

Regarding claim 82, Barrett shows the limitations of claim 80 as applied above, and further shows wherein the output signal is operable to cause a manipulandum (the TrackPoint) to output a force (*“tactile feedback”*: see col. 7, lines 34-42).

Regarding claim 83, Barrett shows the limitations of claim 80 as applied above, and further shows wherein the output signal is operable to cause a force to be output in a simulation

device (see col. 1, lines 19-26, where the user computer simulates a desktop) comprising a processor (see col. 8, lines 43-52).

Regarding claim 84, Barrett shows the limitations of claim 80 as applied above, and further shows wherein the input signal is a first input signal and further comprising receiving a second input signal from a manipulandum (comprising receiving cursor movement input from the TrackPoint: see col. 7, lines 34-43 and col. 8, lines 52-55).

Regarding claim 85, Barrett shows the limitations of claim 84 as applied above, and further shows wherein the output signal is further associated with the second input signal (note that the output signal is related to cursor position, which is set based on input from the TrackPoint: see col. 7, lines 34-43).

Regarding claim 90, Barrett shows the limitations of claim 80 as applied above, and further shows receiving the output signal (necessary in order to activate the piezoelectric device); and generating a force feedback effect ("*tactile feedback*": see col. 7, lines 34-42).

Regarding claim 92, Barrett shows a method comprising:

- receiving a force feedback command (information indicative of the size of a web page: see col. 5, lines 63-67);
- embedding the force feedback command in an output signal (comprising a response to a test message: see col. 5, lines 42-47);

- transmitting the output signal to a network (the network which links the user computer to the remote server: see col. 5, lines 11-16); and
- wherein the output signal is associated with at least one of a web page, a java applet, or an ActiveX control (note that test message is associated with a downloaded web page because it is used to indicate download times for hyperlinks on the page: see col. 5, lines 28-67).

Regarding claim 93, Barrett shows the limitations of claim 92 as applied above, and further shows wherein the network comprises the Internet (see col. 5, lines 4-15).

Regarding claim 94, Barrett shows the limitations of claim 92 as applied above, and further shows wherein the force feedback command comprises an authored force feedback command. Note that the Merriam-Webster Dictionary defines author as “one that originates or creates.” Since the server of Barrett originates the force feedback command, the command may be interpreted as an “authored force feedback command.”

Regarding claim 95, Barrett shows a computer-readable medium storing instructions to cause a processor (see col. 8, lines 25-51) to:

- receive an input signal (comprising a response to a test message: see col. 5, lines 42-47) from a network (the network which links the user computer to the remote server: see col. 5, lines 11-16), the input signal comprising an embedded force feedback command (*comprising “information indicative of the size of the page”*:

see col. 5, line 63 to col. 6, line 2; note that the information is a “force feedback command” because it results in the production of force feedback: see col. 7, lines 34-43);

- extract the force feedback command from the input signal (necessary in order to *“take this information into account” at the user computer: see col. 5, lines 63-67);*
- generate an output signal associated with the force feedback command (comprising at least the necessary electrical signal which actuates the *piezoelectric element in the “TrackPoint” joystick-like input device: see col. 7, lines 34-43);* and
- wherein the input signal is associated with at least one of a web page, a java applet, or and an ActiveX control (note that test message is associated with a downloaded web page because it is used to indicate download times for hyperlinks on the page: see col. 5, lines 28-67).

Regarding claim 96, Barrett shows the limitations of claim 95 as applied above, and further shows wherein the input signal is a first input signal and further comprising instructions to receive a second input signal from a manipulandum (comprising receiving cursor movement input from the TrackPoint: see col. 7, lines 34-43 and col. 8, lines 52-55).

Regarding claim 101, Barrett shows the limitations of claim 95 as applied above, and further shows instructions to: receive the output signal (necessary in order to activate the

piezoelectric device); and generate a force feedback effect ("*tactile feedback*": see col. 7, lines 34-42).

Regarding claim 103, Barrett shows a computer-readable medium storing instructions to cause a processor (see col. 8, lines 25-51) to:

- receive a force feedback command (information indicative of the size of a web page: see col. 5, lines 63-67);
- embed the force feedback command in an output signal (comprising a response to a test message: see col. 5, lines 42-47);
- transmit the output signal to a network (the network which links the user computer to the remote server: see col. 5, lines 11-16); and
- wherein the output signal is associated with at least one of a web page, a java applet, or an ActiveX control (note that test message is associated with a downloaded web page because it is used to indicate download times for hyperlinks on the page: see col. 5, lines 28-67).

Regarding claim 104, Barrett shows the limitations of claim 103 as applied above, and further shows wherein the network comprises the Internet (see col. 5, lines 4-15).

Regarding claim 105, Barrett shows the limitations of claim 103 as applied above, and further shows wherein the force feedback command comprises an authored force feedback command. Note that the Merriam-Webster Dictionary defines author as "one that originates or

creates.” Since the server of Barrett originates the force feedback command, the command may be interpreted as an “authored force feedback command.”

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 86-89 and 97-100 are rejected under 35 U.S.C. 102(e) as being anticipated by Barrett (US Patent No. 5,908,467) in view of Thorner et al. (US Patent No. 5,669,818, hereinafter “Thorner”).

Regarding claim 86, Barrett shows the limitations of claim 80 as applied above, and further shows wherein the force feedback command comprises a first force feedback command and further comprising receiving the output signal (necessary in order to activate the piezoelectric device: see col. 7, lines 34-42).

Barrett does not explicitly show overriding the first force feedback command with a second force feedback command.

Thorner shows overriding a first force feedback command with a second force feedback command (*comprising overriding a default tactile sensation with the user’s preferred gain: see col. 6, line 66 to col. 7, line 15*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Barrett with the force feedback override taught by Thorner in order to allow the user to adjust the tactile feedback to his preferences.

Regarding claim 87, the combination of Barrett and Thorner shows the limitations of claim 86 as applied above, and further shows wherein the first force feedback command comprises an authored force feedback command. Note that the Merriam-Webster Dictionary defines author as “one that originates or creates.” Since the server of Barrett originates the force feedback command, the command may be interpreted as an “authored force feedback command.”

Regarding claim 88, the combination of Barrett and Thorner shows the limitations of claim 86 as applied above, and further shows wherein the second force feedback command comprises a generic force feedback command. Note that the gain setting taught by Thorner is applied to all inputs from a particular game, so it is “generic” to those inputs. See Thorner, col. 6, line 66 to col. 7, line 15.

Regarding claim 89, the combination of Barrett and Thorner shows the limitations of claim 86 as applied above, and further shows generating a force feedback effect associated with the second force feedback command (comprising a tactile sensation: see Barrett, col. 7, lines 34-43; and Thorner, col. 6, line 66 to col. 7, line 15).

Regarding claim 97, Barrett shows the limitations of claim 95 as applied above, and further shows wherein the force feedback command comprises a first force feedback command and further comprising instructions to receive the output signal (necessary in order to activate the piezoelectric device: see col. 7, lines 34-42).

Barrett does not explicitly show overriding the first force feedback command with a second force feedback command.

Thorner shows overriding a first force feedback command with a second force feedback command (*comprising overriding a default tactile sensation with the user's preferred gain: see col. 6, line 66 to col. 7, line 15*).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system of Barrett with the force feedback override taught by Thorner in order to allow the user to adjust the tactile feedback to his preferences.

Regarding claim 98, the combination of Barrett and Thorner shows the limitations of claim 97 as applied above, and further shows wherein the first force feedback command comprises an authored force feedback command. Note that the Merriam-Webster Dictionary defines author as "one that originates or creates." Since the server of Barrett originates the force feedback command, the command may be interpreted as an "authored force feedback command."

Regarding claim 99, the combination of Barrett and Thorner shows the limitations of claim 97 as applied above, and further shows wherein the second force feedback command comprises a generic force feedback command. Note that the gain setting taught by Thorner is

applied to all inputs from a particular game, so it is “generic” to those inputs. See Thorner, col. 6, line 66 to col. 7, line 15.

Regarding claim 100, the combination of Barrett and Thorner shows the limitations of claim 97 as applied above, and further shows instructions to generate a force feedback effect associated with the second force feedback command (comprising a tactile sensation: see Barrett, col. 7, lines 34-43; and Thorner, col. 6, line 66 to col. 7, line 15).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher D. Biagini whose telephone number is (571)272-9743. The examiner can normally be reached on weekdays from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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